

## **M E M O R A N D U M**

**Date:** July 31, 2013

**To:** John Phillippe

**From:** Tom Hofeller

**Subj.:** Redistricting Operations July through December 2013

During the second half of this year, the RNC Redistricting Staff will have completed most of this cycle's activities and should be prepared to shift into an interim mode. While several states may still be engaged in litigation after the end of the year, efforts should turn to organizing the RNC's redistricting assets for the next cycle, working with other GOP projects to collect and organize data for the 2020 cycle, and positioning the RNC to be capable of supporting any important inter-cycle redistricting activities generated through legal challenges to enacted plans.

### **Supporting States with Ongoing Litigation and Other Activities**

The following states still have litigation or are still drafting lines with RNC staff involvement:

1. North Carolina - The GOP won a significant court victory in three weeks ago. A three-judge panel comprised of two elected Democratic judges and one Republican judge unanimously upheld the GOP's maps for congress and both chambers of the legislature. We are assisting in the appellate process.

- 2. Arizona – GOP attorneys are attempting to overturn the Democrat-leaning Independently Redistricting Commission’s anti-GOP gerrymanders of the state’s congressional and legislative districts. We are assisting in two streams of litigation.**
- 3. Kentucky - The State has yet to redistrict its Legislature and the 2012 election was held in the old districts. RNC staff is assisting in ongoing litigation and producing sample maps and incorporating the 2012 election data into the redistricting system. We are also supporting the GOP with expert witness testimony.**
- 4. Texas – Both the legislative and congressional districts are still under challenge in a federal court in San Antonio. The USDOJ has just announced it will intervene with the goal of bringing Texas back under the jurisdiction of Section 5 of the Voting Rights Act through Section 3c. It is possible that the court may scrap the Legislature’s second set of enacted plans and draft another set of temporary court maps for the upcoming 2014 election cycle. We continue to monitor this situation and lend advice when requested.**
- 5. Florida – Both the State Senate and congressional maps are under court challenge. We are assisting in this litigation. Florida is the Democrats’ number two redistricting court challenge behind Texas.**
- 6. Kansas – This state also failed to enact redistricting maps and the 2012 election was held using court-drawn maps. The state is still exploring the option of enacting new plans for the 2014 elections. The RNC is assisting with database construction and will assist in plan drafting.**

7. **Virginia – Although it seems less likely that the GOP will enact a new State Senate map to replace the map drafted by the Democrats for the 2012 election, there are still ongoing efforts to make that happen. The RNC has assisted in drafting new maps and will assist in possible litigation.**
8. **Pennsylvania – This is another state which did not enact legislative maps for the 2012 elections and used the pre-census maps. New maps have been enacted and are being challenged in court. We are assisting with this litigation.**
9. **Tennessee – The enacted State Senate map is under court challenge. Although the GOP successfully defended its map at the lower court level, that decision is under appeal. The RNC staff has been actively engaged in this effort.**
10. **We are also monitoring possible activity in New York, Minnesota and Vermont and will lend assistance as we are able.**

#### **Preparing for the Mid-Decade Interim Period**

**One of the mistakes made in past decades is the failure to properly wind down redistricting operations and to be ready to pick up the process in the next redistricting round. It is expected that a redistricting staff will be reconstituted in 2019 to begin training and preparations for line-drafting in 2021.**

**All of the data assets from this redistricting cycle and previous cycles must be properly formatted and archived to ensure quick access during the remain portion of the decade and the next decennial redistricting cycle. Data and software should be archived in multiple venues to guarantee they will not be lost. As was the case in the last two redistricting cycles, it is expected that mid decade court cases will arise which will set important**

**precedents for the next round. Supporting this litigation will be vital to positioning the GOP for success in 2021.**

**Additionally, one qualified technical person should be tasked with keeping the redistricting system up and running. Several licenses for the redistricting software should be maintained and several staff members should continue to use the software to maintain the RNC's skill levels.**

### **Maintaining Legal Assets**

**All of the important legal decisions and other legal documents from this redistricting cycle should be collected and archived before they become more difficult to collect. This includes expert witness affidavits, declarations and testimony. These documents will be vital to successfully support future litigation, both throughout the decade and in the next cycle. Our legal training materials should also be revised.**

### **Building Databases for 2021**

**The next redistricting cycle will require registration and election information for the general elections of 2012 through 2020. In addition, some primary election data will be required for litigation purposes. Much of the data required for redistricting is also used in election activities, but the redistricting data must be more comprehensive and accurate so that statistics derived from the data can hold up in court.**

**Redistricting databases require election results from both primary and general election results by voting precinct matched to registration data by registration precincts. In addition to building data crosswalks between two sets of precincts for each election cycle,**

**the precincts from each election cycle must be matched between election years. All the registration and election data must also be geographically matched to census geographic units – usually at the census block level. Once again, this is a more exacting standard than typically required for campaign use.**

**It is possible to subsume the redistricting data project within the mission of the Data Trust; set up a separate organization; do the work within the RNC; or a combination of all three. Having a separate entity for redistricting is preferable to ensure that the priorities of each project are being addressed according to the correct timetable. Although the Data Trust information and redistricting information may be readily exchanged, the Data Trust will probably place high priority on individual voting information in states with highly contested elections, while redistricting data should be prioritized according to expected redistricting priorities in 2021. It is important that these two goals not interfere with each other.**

**As detailed database planning for the Data Trust is underway in the coming months, it is necessary to ensure that the data needs for redistricting are incorporated into the master plan. The RNC redistricting team should be involved in the drafting of data standards in coordination with the Strategic and Digital Divisions so that this information will be adequate both for redistricting as well as campaign and advocacy use.**